

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

ROLEX WATCH U.S.A., INC.,

3:12-CV-00736-PK

Plaintiff,

ORDER

v.

LELAND STANFORD HOFFMAN, JR.,

Defendant.

BROWN, Judge.

Magistrate Judge Paul Papak issued Findings and Recommendation (#28) on July 30, 2012, in which he recommends the Court deny as moot Plaintiff Rolex Watch U.S.A., Inc.'s Motion (#15) to Dismiss and deny Defendant Leland Stanford Hoffman, Jr.'s Motion (#18) for Extension of Time. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, this Court is relieved of its obligation to review the record *de novo*. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)(*en banc*). See also *United States v. Bernhardt*, 840 F.2d 1441, 1444 (9th Cir. 1988). Having reviewed the legal principles *de novo*, the Court does not find any error.

CONCLUSION

The Court **ADOPTS** Magistrate Judge Papak's Findings and Recommendation (#28). Accordingly, the Court construes Defendant's Counterclaim merely as notice that Defendant intends to seek attorneys' fees if he is the prevailing party in this matter and, therefore, **DENIES as moot** Plaintiff's Motion (#15) to Dismiss and **DENIES** Defendant's Motion (#18) for Extension of Time.

IT IS SO ORDERED.

DATED this 22nd day of October, 2012.

/s/ Anna J. Brown

ANNA J. BROWN
United States District Judge